

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DARRYL KEITH HARVEY,

No. C 11-3032 SBA (PR)

Petitioner,

**JUDGMENT**

v.

GARY SWARTHOUT, Warden,

Respondent.

Pursuant to the Court's Order Granting Respondent's Motion to Dismiss Petition as  
Untimely; and Denying a Certificate of Appealability signed today, this action is DISMISSED  
WITH PREJUDICE. 28 U.S.C. § 2244(d).

IT IS SO ORDERED.

DATED: 9/28/12

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

NORTHERN DISTRICT COURT  
DARRYL KEITH HARVEY, CALIFORNIA

Plaintiff,

Case Number: CV11-03032 SBA

v.

**CERTIFICATE OF SERVICE**

GARY SWARTHOUT et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 11, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Darryl Keith Harvey E-16700  
California State Prison - San Quentin  
San Quentin, CA 94964

Dated: October 11, 2012

Richard W. Wieking, Clerk  
By: Lisa Clark, Deputy Clerk

**United States District Court**  
For the Northern District of California

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